

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RAVSHAN NURITDINOV,

Plaintiff,

v.

MEDA-CARE TRANSPORTATION,
INC.,

Defendant.

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Case No. 1:22-cv-443

Judge Jeffery P. Hopkins

Magistrate Judge Karen L.
Litkovitz

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Report and Recommendation (the “R&R”) issued by Chief Magistrate Judge Karen L. Litkovitz on November 28, 2023 (Doc. 24), which recommends this matter be dismissed with prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41. For the reasons more fully stated below, the Court **ADOPTS** the R&R.

Plaintiff Ravshan Nuritdinov (“Plaintiff”) initiated this action alleging age discrimination under the Age Discrimination in Employment Act, 29 U.S.C § 621 *et seq.*, against Defendant Meda-Care Transportation, Inc. (“Defendant”) on July 29, 2022. Doc. 1. On July 18, 2023, Chief Magistrate Judge Litkovitz issued a Report and Recommendation (the “July R&R”) (Doc. 21) recommending that Defendant’s Motion to Dismiss (Doc. 6) be granted. Doc. 21. The undersigned issued an Order on September 30, 2023, adopting the July R&R, thereby granting Defendant’s Motion to Dismiss. Doc. 23.

Importantly, that Order also granted Plaintiff 21 days to file an amended complaint addressing the deficiencies identified in the Magistrate Judge’s July R&R. *Id.* at PageID 251 (citing Doc. 21, PageID 229). However, Plaintiff did not file an amended complaint and after

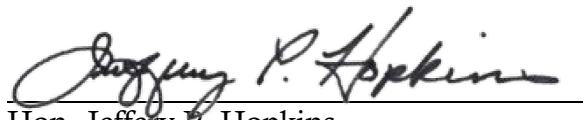
21 days had passed, on November 28, 2023, the Magistrate Judge issued the current R&R under review which recommended dismissal of this case due to Plaintiff's failure to file an amended complaint. Doc. 24. Because no objections have been filed and the time for doing so under Fed. R. Civ. P. 72(b) has expired, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b) advisory committee notes ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."); *Redmon v. Noel*, No. 1:21-CV-445, 2021 WL 4771259, at *1 (S.D. Ohio Oct. 13, 2021) (collecting cases).

The Court has carefully reviewed the November 28, 2023 R&R (Doc. 24) and determined that it does not contain clear error. Thus, the Court **ADOPTS** the R&R in its entirety, and it is hereby **ORDERED** that this matter shall be and is **DISMISSED** with prejudice and **TERMINATED** on the docket of this Court.

Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would not be taken in good faith. The Court accordingly **DENIES** Plaintiff leave to appeal *in forma pauperis*. In accordance with Fed. R. App. P. 24(a)(5), Plaintiff remains free to file a motion for leave to proceed on appeal *in forma pauperis* in the Sixth Circuit Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

IT IS SO ORDERED.

Dated: May 7, 2024


Hon. Jeffery P. Hopkins
United States District Judge